RESOLUTION

NUMBER 2014- 167

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, CREATING THE CHARLOTTE COUNTY RESTORE ACT ADVISORY BOARD; PROVIDING FOR CREATION AND PURPOSE; PROVIDING THE DUTIES AND RESPONSIBILITIES; PROVIDING FOR MEMBERSHIP AND COMPOSITION; PROVIDING FOR GOVERNING RULES AND MEETINGS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING PROVISION FOR SUNSET DATE.

WHEREAS, the United States Congress passed the "Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012," known as the RESTORE Act, to establish a trust fund for deposits of 80% of administrative and civil penalties exacted from parties responsible for the Deepwater Horizon oil spill for distribution of the funds among the affected states; and

WHEREAS, the RESTORE Act requires the U.S. Treasury, in consultation with other federal agencies, establish procedures for passing the fines levied (or the "funds") to the recipients as so designated by the RESTORE Act; and

WHEREAS, the RESTORE Act specifically allocated 35% of the 80% of the fines collected to be made exclusively to the five Gulf Coast States of Texas, Mississippi, Louisiana, Alabama, and Florida, in equal shares; and

WHEREAS, Florida's share of the 35% allocation is to be split between the Gulf Coast Counties with 75% going to those 8 counties identified as being disproportionately impacted (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla) divided based upon an agreed formula, and 25% of the fines to be allocated to those 15 counties that front on the Gulf Coast, but were non-disproportionately impacted by the Deepwater Horizon event divided by an established formula; and

WHEREAS, Charlotte County is identified as one of the 15 non-disproportionately

impacted counties and will be the recipient of RESTORE Act funds, should they be distributed; and

WHEREAS, the RESTORE Act, Section 1603(3) further defines the use and eligible activities for which these funds may be used by the Gulf Coast States for ecological and economic restoration within Gulf Coast regions, as follows:

1) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
2) Mitigation of damage to fish, wildlife, and natural resources.
3) Implementation of a federally approved marine, coastal or comprehensive conservation management plan, including fisheries monitoring.
4) Workforce development and job creation.
5) Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.
6) Infrastructure projects benefitting the economy of ecological resources, including port infrastructure.
7) Coastal flood protections and related infrastructure.
8) Planning assistance.
9) Administrative costs of complying with this Section, which cannot exceed 3%,

and;

WHEREAS, the RESTORE Act, Section 1603(3) additionally defines the use and eligible activities for which these funds may be used by the Gulf Coast States for promotion of tourism and seafood in the Gulf Coast region; as follows:

1) Promotion of tourism in the Gulf Coast region, including recreational fishing.

2) Promotion of the consumption of seafood harvested from the Gulf Coast region. and;

WHEREAS, the RESTORE Act empowers the Charlotte County Board of County Commissioners with the authority to distribute certain amount of funds for various purposes and projects as designated by and consistent with the Act; and

WHEREAS, the Board of County Commissioners recognizes that it must be prepared to receive, review, and award projects in the best interest of the County, and account for the funds distributed to Charlotte County; and

WHEREAS, the Board of County Commissioners finds that an advisory Board would assist the Board in determining which projects qualify for funding under the Act, and therefore would serve the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA that:

The Recitals as set forth above are hereby incorporated into the terms of this Resolution as if set out herein at length.

SECTION 1. CREATION

The Board of County Commissioners hereby creates the Charlotte County RESTORE Act Advisory Board, which shall consist of between seven (7) and eleven (11) members.

SECTION 2. GOVERNING RULES

The RESTORE Act Advisory Board is a Special Advisory Board. All meetings will be governed by Roberts Rules of Order, the Charlotte County Code of Laws and Ordinances, and Florida law.

SECTION 3. MEMBERSHIP AND COMPOSITION

A. The Charlotte County RESTORE Act Advisory Board will consist of between

seven (7) and eleven (11) members. The Board of County Commissioners will select one (1) Advisory Board member from each of the following seven (7) categories: environmental science or advocacy; coastal resource management; marine sciences; finance, accounting/grants management; tourism; and economic development.

B. After review and consideration of applications for membership, the Board of County Commissioners will appoint Advisory Board members by majority vote.

C. No member shall receive any personal gain from serving on the RESTORE Board. As members of the Advisory Board, all RESTORE Board members shall be governed by the standards of conduct provided for in Florida law, including but not limited to, Florida Statutes §112.313 (Ethics Code), Florida Statutes §112.3143 (Voting Conflicts), Florida Statutes §119.07 (Public Records), and Florida Statutes §286.011 (Sunshine Law).

D. Member vacancies shall be filled in the same manner as the original appointments.

E. Any member of the Advisory Board may be removed by majority vote of the Board of County Commissioners.

F. No elected officials can be a member of the Advisory Board.

SECTION 4. RESPONSIBILITIES

The RESTORE Act Advisory Board will:

A. Develop and establish a process for allocation of the funds as outlined in the RESTORE Act requirements.

B. Hold public meetings in order to solicit broad-based input regarding submitted project applications.

C. Consult with advisors as requested by the Board of County Commissioners.

D. Review and rank projects that are consistent with the best interests of the County by utilizing criteria developed.

E. Present recommendations to the Board of County Commissioners.

F. Assist with creation of a multi-year implementation plan, if the Board of County Commissioners so requests.

SECTION 5. MEETINGS AND VOTING

A. At the organizational meeting and annually thereafter, the members of the RESTORE Act Board shall appoint one member to serve as Chair, to preside at all meetings, and one member to serve as Vice-Chair, to preside and act on behalf of the Chair in his/her absence, for one-year terms.

B. The County Administrator or his/her designee shall act as a liaison.

C. A majority of the members shall constitute a quorum for the purpose of conducting business. Each member shall exercise one vote on all matters subject to a vote of the Board. All matters shall be decided by a majority vote of the members present. No member may abstain from voting unless the member has a conflict of interest.

D. The Board shall meet as needed to carry out its responsibilities outlined herein after the Board of County Commissioners approves the members as outlined in Section 3.

SECTION 6. SUNSET PROVISION

No later than the date on which Charlotte County's multi-year implementation plan is formally transmitted to federal officials, the Board of County Commissioners will consider sunsetting the RESTORE Act Advisory Board during a regularly scheduled Board meeting.

PASSED AND DULY adopted this 12TH day of November, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Kenneth Doherty, Chair

Attest:
Barbara T. Scott, Clerk of the
Circuit Court and Ex-Officio Clerk to the
Board of County Commissioners

By: Michelle D. Berardino
Deputy Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney

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